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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,227	03/21/2001	James K. Vanderveen	60,426-242(2000P09010US01	2008
24500	7590	07/21/2004	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	13

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/814,227

Applicant(s)

VANDERVEEN, JAMES K.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-15,17,20-24 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-15,17,20-24,27-30,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 31 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 10, 13, 15 and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Hazelwood et al., U. S. Patent No. 5867583.

Regarding **claim 10**, Hazelwood et al. (herein, Hazelwood) discloses versatile compact round speaker that may be mounted in both Asian-bult and European-built vehicles (abstract, figure 4, 7, 9, and 12, col. 2, lines 56-60), which indicates a generic speaker housing common to multiple vehicle types; different mounting components/features are disclosed for mounting the speaker in vehicles (figures 4-14, col. 5, lines 49-67 – col. 8, line 15, and lines 54-67), which indicates a bracket assembly with each portion having a first end and distal end, therein and joining the distal portions to speaker housing, and the first end to the vehicle structure (mounting panel).

Regarding **claim 13**, Hazelwood discloses everything claimed as applied above (see claim 10). Hazelwood discloses a twisting lock mounting technique (figures 7-8B), which constitutes as a snap-fitting.

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Regarding **claim 15**, Hazelwood discloses everything claimed as applied above (see claim 10). Hazelwood discloses a screwing, spring clips with screws, retaining clips, and twisting lock mounting techniques (figures 4-14) in which, each constitutes as a fastening.

Regarding **claim 20**, Hazelwood discloses versatile compact round speaker that may be mounted in both Asian-built and European-built vehicles (abstract, figure 4, 7, 9, and 12, col. 2, lines 56-60), which indicates a generic speaker housing common to multiple vehicle types; different mounting components/features are disclosed for mounting the speaker in vehicles (figures 4-14, col. 5, lines 49-67 – col. 8, line 15, and lines 54-67), which indicates custom forming a bracket assembly for each different vehicle type and joining the bracket assembly to the housing, and attaching the bracket assembly to a vehicle structure (mounting panel) to mount the speaker housing, therein.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3, 5-9, 17, 22-24, and 27-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham in view of De Bruine and further in view of applicant's admitted prior art (herein, AAPA).

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Regarding **claims 1, 17 and 22-23**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing in a speaker enclosure (22), wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40) and an air cleaner housing (20). However, Everingham fails to specifically disclose the housings being mounted by brackets to a vehicle structure, or the speaker housing and air cleaner housing being plastic or positioned as claimed. The examiner maintains that such a mounting means and the plastic housings were well known in the art.

Regarding the mounting brackets, in similar field, De Bruine et al. (herein De Bruine) discloses a universal mounting bracket for use in exhaust area of vehicle comprising a first portion and second portion; the first portion (a support rod) extending to connect to the vehicle, and a second portion comprising a clamps for clamping the exhaust or the like coupled to a support plate (col. 2, lines 20-68 and col. 3, lines 1-16), which constitutes as a distal portion joined the 1<sup>st</sup> or 2<sup>nd</sup> housing portion, wherein it obvious to have more than one such structure for supporting more than one device as mentioned by De Bruine that multiple or plurality of brackets have been used previously used to mount components to a vehicle (background).

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing a mounting bracket for the purpose of providing efficient support and stability for mounting an speaker housing in a combustion area and coupling to a vehicle.

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Regarding the plastic housings, The AAPA discloses that it is common for vehicle structures to be made of plastic.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by implementing plastic housing structures, wherein the plastic housing structures are commonly used in vehicles and economical in manufacturing.

Regarding the positioning of the air cleaner to the speaker and the engine, it would have been obvious to one of the ordinary skill at the time to invention was made to position the air cleaner between the speaker housing and an engine, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding **claim 3**, Everingham, De Bruine and AAPA (herein, Everingham combination) disclose everything claimed as applied above (see claim 1). De Bruine further discloses that the mounting means such as rubber insulators between the brackets and vehicle (abstract and col. 4, lines 21-38) for added security and stability of the mount, reducing vibration, etc.

Regarding **claim 5**, Everingham combination discloses everything claimed as applied above (see claim 1). De Bruine further discloses mounting via welding (col. 4, lines 35-38).

Regarding **claims 6-8**, Everingham combination discloses everything claimed as applied above (see claim 1). De Bruine further discloses mounting via welding (col. 4, lines 35-38) or the like. Thus, various mechanical techniques, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to

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one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

Regarding **claim 9**, Everingham combination discloses everything claimed as applied above (see claim 1). De Bruine further discloses that the bracket comprises a plurality of apertures and may be adjusted longitudinally and laterally (col. 2, lines 8-34, and col. 26-31). Then it would have obvious to combine two or more brackets of such structure to comprising a single bracket comprising multiple legs for providing sufficient support of the length and weight capacity of the duct housing structure to the vehicle for the purposes of lessening vibrations movements and other instabilities that may occur.

Regarding **claim 24**, Everingham and De Bruine disclose everything claimed as applied above (see claim 22). De Bruine further discloses that the mounting means such as rubber insulators between the brackets and vehicle (abstract and col. 4, lines 21-38) for added security and stability of the mount, reducing vibration, etc.

Regarding **claims 27-30**, Everingham combination discloses everything claimed as applied above (see claim 22). De Bruine further discloses mounting via welding (col. 4, lines 35-38) or the like. Thus, various mechanical techniques, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

5. **Claim 11, 21 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazelwood in view of the Applicant's Admitted Prior Art (AAPA).

Regarding claim 11, Hazelwood discloses everything claimed as applied above (see claim 10). However, Hazelwood fails to specifically disclose the housing formed from plastic. AAPA discloses plastic as common makeup or component of vehicle structures. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Hazelwood by implementing plastic housing structures for the purpose of providing a commonly used housing structure in a vehicle and economical manufacturing cost.

Regarding claims 21 and 33, respectively, Hazelwood discloses everything claimed as applied above (see claim 10 and 20). However, Hazelwood fails to specifically disclose the mounting apparatus comprising standard isolation member for each vehicle. AAPA discloses rubber grommets being used to mount the housing to a vehicle. Thus, it would be obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Hazelwood by providing rubber grommets for the purpose of providing additional isolation.

Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazelwood in view De Bruine.

Regarding **claims 12 and 14**, Hazelwood discloses everything claimed as applied above (see claim 10). However, Hazelwood fails to disclose welding the distal portions to the housing. De Bruine further discloses mounting via welding (col. 4, lines 35-38) or the like. Thus, various mechanical techniques, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.



***Allowable Subject Matter***

6. Claims 31 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 5/5/04 have been fully considered but they are not persuasive.

Regarding the applicant's argument regarding the supported teachings of De Bruine regarding the plurality of brackets, therein. The examiner agrees with the applicant's interpretation of the De Bruine reference, however, De Bruine also indicates various diameters of the exhaust pipes can be accommodated and mounted structures with in the vehicles, which indicates obviousness that components the size of a speaker housing and air cleaner housing (in which the size of either one has not been indicated by the applicant) can be supported by the bracket assembly of De Bruine. Thus, the rejection of Everingham and De Bruine is maintained for independent claims 1, 17, and 22 and the supported dependent for similar reasons that eventhough De Bruine disclose mounting an exhaust pipe the mechanical mounting techniques are common and well known in the art.

Applicant's arguments with respect to claim 20 have been considered but are moot in view of the new ground(s) of rejection.

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The rejection of Meeks has been removed and new reference of prior art has been provided in the support of a generic speaker housing common to multiple vehicles types, mounting components for the mounting the speaker housing in a vehicle.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG  
July 9, 2004

  
**FORESTER W. ISEN**  
**SUPERVISORY PATENT EXAMINER**